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10 Attorneys for Plaintiff
 11 CARLOS RADCLIFFE

12 UNITED STATES DISTRICT COURT
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 CARLOS RADCLIFFE,)	CASE NO. C 09-1547 CW
)	
15 Plaintiff,)	AMENDED STIPULATION TO
)	CONTINUE THE CASE
16 vs.)	MANAGEMENT CONFERENCE;
)	DEFENDANTS' MOTION FOR
17 ROBERT L. AYERS, JR., Warden, San)	SUMMARY JUDGMENT; AND
18 Quentin State Prison, San Quentin, CA in his)	ORDER THEREON
19 official capacity; Correctional Officer)	
20 MARINO, individually; AND DOE 1 through)	
21 DOE 20, inclusive,)	
)	
22 Defendants.)	
)	

23 The parties, by and through their counsel of record, hereby submit the following
 24 Stipulation and [Proposed] Order to Continue the Case Management Conference and
 25 Defendants' Motion for Summary Judgment.

26 WHEREAS on October 1, 2009, defendants AYERS and MARINO, filed a Motion for
 27 Summary Judgment that is calendared for November 5, 2009, at 2:00 p.m.; and

28 WHEREAS counsel for plaintiff has been in trial in San Francisco Superior Court before
 Judge James A. Robertson II, since July 31, 2009; and

WHEREAS the parties have stipulated to continue the Motion for Summary Judgment to
 December 3, 2009, at 2:00 p.m.; and

WHEREAS a Case Management Conference is scheduled to occur on November 17,

2009, two weeks prior to the date the parties have stipulated to set the hearing for the Motion for Summary Judgment; and

WHEREAS, as currently set due to the pending Motion for Summary Judgment, the Case Management Conference will not be as productive as intended and would be a waste of the Court's time and resources, which the parties wish to avoid.

ACCORDINGLY, the parties do hereby stipulate and request that the Motion for Summary Judgment be continued to December 3, 2009 at 2:00 p.m. and that all related and corresponding dates and deadlines be continued accordingly.

The parties further stipulate and request that the Case Management Conference, and all related and corresponding dates and deadlines, be vacated pending the outcome of defendants' Motion for Summary Judgment.

The parties further stipulate and request the Case Management Conference be reset to a date no earlier than thirty (30) days following the entry of the Court's Order on defendants' Motion for Summary Judgment, as is convenient for the Court.

IT IS SO STIPULATED.

DATED: October 20, 2009

THE EPSTEIN GROUP
Attorneys & Counselors at Law

By: /s/ Julia M. Adams
MARK EPSTEIN
JULIA M. ADAMS
Attorneys for Plaintiff CARLOS
RADCLIFFE

DATED: October 20, 2009

ATTORNEY GENERAL OF
CALIFORNIA

By: /s/ Julianne Mossler
EDMUND G. BROWN, JR.
JULIANNE MOSSLER
Attorneys for Defendants AYERS and
MARINO

ORDER


By the Order of this Court and stipulation of the parties, defendants' Motion for Summary Judgment will be decided on the papers. The hearing set for November 5, 2009 at

1 2:00 p.m. has been vacated. Plaintiffs opposition to the motion will be due November 12, 2009,
2 and any reply will be due November 19, 2009.

3 It is further ordered that the Case Management Conference scheduled for November 17,
4 2009 at 2:00 p.m. is vacated pending the outcome of defendants' Motion for Summary Judgment
5 and shall be reset for a date not less than thirty (30) days following the entry of the Court's Order
6 on defendants' Motion for Summary Judgment. All related and corresponding dates and
7 deadlines are also hereby vacated.

8
9
10
11 **IT IS SO ORDERED.**

12 DATED: October 21, 2009


By: _____
HON. CLAUDIA WILKEN
United States District Court